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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/621,716	07/24/2000	Christopher Thomas Sepe	AT00079	6440

7590 05/23/2003

Align Technology, Inc.
851 Martin Avenue
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[REDACTED] EXAMINER

SHAFFER, ERIC T

[REDACTED] ART UNIT [REDACTED] PAPER NUMBER

3623

DATE MAILED: 05/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/621,716	SEPE, CHRISTOPHER THOMAS	
	Examiner	Art Unit Eric T. Shaffer	3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 24 July 2000.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-20 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 24 July 2000 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) The translation of the foreign language provisional application has been received.
 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3 . | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

1. The following is an initial Office Action upon examination of the above-identified application on the merits. Claims 1 – 20 are pending in this application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 – 4, 6, 8 – 14, 16 and 18 - 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Recigno (US 5,616,899).

4. As per claims 1, 11 and 20, Recigno discloses a system and method adapted to support dental patient scheduling, comprising:

a network to communicate information relating to a manufacturing stage (column 3, lines 7 – 9, “a plurality of microcomputers located in various departments within the dental laboratory that are linked in a network arrangement”);

one or more patient computers coupled to the network (column 5, lines 30 – 32, a “network 6 of system 5 that comprises eight client workstations located in and corresponding to various departments”);

a server coupled to the network (column 6, lines 6 – 7, “the server of each network of system 5 is an unattended microcomputer”), the server communicating manufacturing progress information with the patient computer and performing patient scheduling when one or more dental appliances reach a predetermined manufacturing progress (column 17, lines

59 – 62 “the sequence of process steps, the various workstations at which these steps will be performed, the estimated start time, estimated finish time, actual start time, actual finish time”).

5. As per claims 2 and 12, Recigno discloses a system, wherein the server sends a message to a patient when the appliances reach a predetermined manufacturing stage (column 19, lines 39 – 41, where the message is sent via signals to the system, and the scanning constitutes the act of the first step in the manufacturing process).

6. As per claims 3 and 13, Recigno discloses a system, wherein the server sends a message to a patient when the appliances are being marked (column 19, lines 39 – 41, where the message is sent via the server and the scanning of RX form into the system constitutes the act of marking a project or case as ready for manufacture).

7. As per claims 4 and 14, Recigno discloses a system, wherein the server sends a message to a treating professional when the appliances reach one or more intermediate stages of manufacturing (column 8, line 54, where the immediate stages of manufacturing consist of “articulation”; column 8 ,line 62, a “set-up”; column 8, line 6 a “wax-up”; column 8, line 15 a try-in; column 9, line 40 a “boil-out”; and column 8, line 43 a “devested” step) and the server sending a message is disclosed by (page 5, lines 60 –61, where the system “enables the client workstation to communicate with other workstations in the network and the server”.

8. As per claims 8 and 18, Recigno discloses the system, further comprising a network of treating professionals coupled to the network (column 7, lines 1 – 4, an “application is intended to be utilized in a manner that enables a doctor, e.g., dentist, periodontist, endodontist, to obtain relevant information from the system remotely by means of a client workstation”).

9. As per claim 9, Recigno discloses the system wherein the server requests intervention from manufacturing personnel when one or more manufacturing stages fall behind schedule (column 22, lines 20 – 34, “instance where an operator’s time falls below the established control parameters can be identified by manage and corrective action can be taken”).

10. As per claim 10, Recigno discloses the system wherein the server updates the patient with information relating to a delay caused by manufacturing slippage (column 22, lines 20 – 34, disclose detecting “instances where an operator’s time falls below the control parameters” as anticipating the delay caused by manufacturing falling behind schedule, and column 5, lines 58 – 62, discloses the ability of “client workstations to communicate with other workstations in the network and the server”).

11. The system of claim 11, wherein the treating professionals perform office management operations using the server (column 2, lines 60 – 62, “providing a system for managing and analyzing the operations of a dental laboratory engaged in the fabrication of dental appliances”).

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 5, 7, 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Recigno (US 5,287,266) as applied to the claims above, in view of Cummings Jr. et al (US 6,345,260).

As per claims 5 and 15, Recigno teaches a system for managing cases in a dental laboratory and the monitoring of the steps in manufacturing dentures and dental prosthetics. The invention incorporates a database, a network system with a server, transmission of electronic messages and communications between workstations, as well as scheduling of manufacturing steps based on start times and finish times. Recigno does not teach email or electronic calendar.

Cummings Jr. et al (US 6,345,260) teaches a medical/dental scheduling system that incorporates the Internet and uses email in sending status messages of appointments (page 9, lines 57 - 59). It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine Recigno's dental prosthetic manufacturing system with the Cummings Jr. et al system of sending email messages to patients or doctors because such a combination would better inform those having dental appliances manufactured, either for themselves or for their patients. Allowing people to be better informed of the availability of their dental appliance would allow them to receive them sooner and would alleviate the pain and suffering of people who are waiting for the proper medial appliances.

14. As per claims 7 and 17, Recigno teaches a system for managing cases in a dental laboratory and the monitoring of the steps in manufacturing dentures and dental prosthetics. The invention incorporates a database, a network system with a server, transmission of electronic messages and communications between workstations, as well as scheduling of manufacturing steps based on start times and finish times. Recigno does not teach email or electronic calendar.

Cummings Jr. et al (US 6,345,260) teaches a medical/dental scheduling system that incorporates using the Internet to provide “continuous updates” (column 9, line 63), uses email in the scheduling of appointments (page 9, lines 57 - 59) and incorporates using an electronic calendar interface to schedule appointments (column 9, lines 63 - 67). It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine Recigno’s dental prosthetic manufacturing system with the Cummings Jr. et al system of scheduling dental appointments on a calendar interface via the Internet because this would shift the appointment scheduling duties and responsibilities from the dental office onto the patient. This would benefit the patient by allowing said patient to visually see what appointment times were available and benefit the dental facility by saving time and money currently being spent on providing customer service via the telephone and walk in inquiries.

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Conclusion

15. No claims were allowed and all claims were rejected.
16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Detjen et al. (US 5,970,466) – Calendar based appointment scheduling system
Wohlwend, Arnold (US 6,106,747) – Dental reconstruction process
www.framesdirect.com as archived on 7/6/2000 – An internet manufacturing appointment scheduling service.

17. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Eric Shaffer whose telephone number is (703) 305-5283. The Examiner can normally be reached on Monday-Friday, 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 305-7687.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington D.C. 20231

Or faxed to:

(703) 746-7238 [After Final communications, labeled "Box AF"]

(703) 746-7239 [Official communications]

(703) 706-9124 [Informal/Draft communications, labeled
"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 2, 2121 Crystal Drive, Arlington, VA, 5th floor receptionist.

ETS
May 13, 2003

Susanna Diaz
Susanna Diaz
Patent Examiner
AA Unit 3623